



Weakley v. Amazon.com Inc et al

2020 | Cited 0 times | W.D. Washington | May 8, 2020

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

TIMOTHY WEAKLEY, Plaintiff, v. AMAZON.COM INC. et al., Defendants.

CASE NO. C20-71 MJP ORDER GRANTING DEFENDANT AAA FREIGHT, INC' S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE

This matter comes before the Court on Defendant AAA Freight, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue. (Dkt. No. 12.) Having reviewed the Motion and the relevant record, the Court GRANTS the Motion.

Plaintiff alleges that his former employers, Defendants AAA Freight, Inc. ("AAA") and Amazon.com Inc., "worked Plaintiff into the ground like a rented mule and intentionally deprived Plaintiff of sleep" leading to an accident in Tennessee " that resulted in Plaintiff's physical injuries and economic damages." (Dkt. No. 1, Ex. 1 ("Compl.") at 1.) Additionally, Plaintiff alleges that Defendant AAA "would routinely edit Plaintiff's electronic logbook violations so that law enforcement or the Department of Transportation would be none the wiser." (Id. at 1-2.) Plaintiff describes several incidents demonstrating Defendant's alleged violations of the Federal Motor Carrier Safety Improvement Act occurring in Illinois, Wisconsin, Iowa, Minnesota, Missouri, Indiana, Tennessee, and South Dakota, but none in Washington. (Compl. at 7-23.) Defendant AAA now moves to dismiss the claims against it for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).

Personal jurisdiction exists in two forms: general and specific. *Dole Food Co. v. Watts*, 303 F.3d 1104, 1111 (9th Cir. 2002). For general jurisdiction to exist over a nonresident defendant, the defendant must engage in "continuous and systematic general business contacts . . . that approximate physical presence in the forum state." *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 801 (9th Cir.2004) (citation omitted). For specific jurisdiction, the Ninth Circuit applies a three-prong test: (1) the non-resident must do some act or consummate some transaction with the forum by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws; (2) the claim must be one which arises out of or results from the defendant's forum-related activities; and (3) the exercise of jurisdiction must be reasonable. *Metro. Life Ins. Co. v. Neaves*, 912 F.2d 1062, 1065 (9th Cir.1990).



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Because there is nothing in the Complaint or attached exhibits that links Defendant AAA to Washington at all, Plaintiff has failed to meet any of the elements of general or specific personal jurisdiction. Plaintiff's jurisdictional statement explains that he filed his lawsuit in this district because Defendant "Amazon is incorporated under the laws of the State of Washington" and "[n]either of the Defendants named in this civil complaint reside in the same state as Plaintiff." (Compl. at 4.) Plaintiff is a resident of Tennessee. (Id. at 2.) Defendant AAA is an Illinois corporation with its principal place of business and sole physical location in Illinois. (Id.;

Marsha J. Pechman Senior United States District Judge Dkt. No. 12, Ex. A, Declaration of PJ Igic ("Igic Decl."), ¶¶ 3, 10.) And the Complaint describes conduct occurring in eight states, none of them Washington. (Compl. at 7-23.)

Additionally, because Plaintiff did not file a response until two weeks after the noting date, and Defendant therefore had no opportunity to reply, the Court need not consider Plaintiff's response at all. But beyond this procedural defect, Defendant's Response also fails to persuade the Court on the merits. When personal jurisdiction is challenged, "[a] plaintiff cannot simply rest on the bare allegations of its complaint, but rather is obligated to come forward with facts, by affidavit or otherwise, supporting personal jurisdiction." *DiscoverOrg Data LLC v. nDivision Servs. Inc.*, No. C19-5508RBL, 2019 WL 4858429, at *1 (W.D. Wash. Oct. 2, 2019). Here, Plaintiff's response fails to put forth any facts supporting personal jurisdiction, instead stating that the exhibits attached to the complaint "plausibly demonstrate that Amazon.Com Inc. knew or should have known that its digital platform was being used to work Plaintiff to excess" (Dkt. No. 19 at 2.) But the exhibits attached to the Complaint are text messages and dispatches directing Plaintiff to the eight states listed above, none of them Washington. (See Dkt. No. 1, Ex 2-5.)

Therefore, finding no basis for personal jurisdiction over Defendant AAA, the Court GRANTS Defendant's Motion and DISMISSES Plaintiff's claims against AAA, without prejudice.

The clerk is ordered to provide copies of this order to all counsel. Dated May 8, 2020.

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